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C.R.P.No.5297 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.5297 of 2024 &
CMP.Nos.29532 & 29533 of 2024

1.V.Krishnamoorthy
2.K.Revathi
3.K.Roop Chander .. Petitioners

Versus

Udaya Deepika .. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to struck off the complaint pertaining to DVC.No.61 of 2023 pending on the file of the learned XVIII Metropolitan Magistrate Court at Saidapet, Chennai and strike out the name of the petitioners as the same as abuse of process of law.

For Petitioner : Mrs.Manjula Chavan

ORDER

The civil revision petitioners are the father-in-law, mother-in-law and the sister-in-law of the sole respondent.



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2. The sole respondent married the son of the first and second petitioners on 01.05.2013. Due to disputes and differences, the parties have separated.

3. Alleging that she was the victim of domestic violence, the sole respondent presented a petition before the Protection Officer under the Domestic Violence Act on 21.04.2023. This complaint was taken on file in DVC.No.61 of 2023 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai.

4. Pleading that the third petitioner is a resident of Abu Dhabi and the first and second petitioners were never in the same household of the sole respondent and her husband, this petition to quash DVC.No.61 of 2023 has been filed.

5. I heard Ms.Manjula Chavan for the civil revision petitioners and gone through the records.



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6. A Full Bench of this Court in *Arul Daniel and Others Vs. Suganya, 2022 [6] CTC 833* has laid down that if a person is aggrieved by the initiation of proceedings against him/her under the Domestic Violence Act, the appropriate remedy is only to approach the very same court which deals with the Domestic Violence complaint and file an application to strike off the said name of the said persons from the array of parties. The Full Bench further held that if the strike of petition goes against the applicant, the remedy is to prefer an appeal against the said order before the jurisdictional Sessions Court. In case, the Sessions Court also goes against the applicant, the remedy is available under Article 227 of the Constitution of India. The Full Bench, in clear and categorical terms, held that unless and until the learned Magistrate lacks inherent jurisdiction, a petition under Article 227 of the Constitution of India should not be ordinarily entertained.

7. As the relationship between the sole respondent and the son of the petitioners 1 and 2 is admitted, I cannot hold the learned Magistrate levels jurisdiction to entertain the complaint.



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8. In the light of the above, **this civil revision petition is dismissed.**
No costs.

9. Dismissal of this revision will not stand in the way of the petitioners to file an application to strike off their name from the array of the properties before the learned XVIII Metropolitan Magistrate in DVC.No.61 of 2023.

10. I notice from the cause title that the first and second petitioners are the senior citizens and the third petitioner is said to be a resident of Abu Dhabi. Hence, their appearance is dispensed with. However, they shall present themselves before the court when so directed by the learned Magistrate or when their presence is indispensable.

09.01.2025

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no



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To

The XVIII Metropolitan Magistrate Court at Saidapet, Chennai



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V.LAKSHMINARAYANAN, J.

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